

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **LSA Document #98-040**

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE THIRD COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from March 1, 1999, through March 22, 1999, on IDEM's draft rule language. IDEM received comments from the following party:

Indiana Petroleum Marketers & Convenience Store Association (IPCA)

Following is a summary of the comments received and IDEM's responses thereto.

*Comment:* We recommend that the sentence "The annual test data expire one (1) year after the date of the test" in 326 IAC 8-4-9(c) be revised. The data in fact remains valid beyond one year and, under another section of the rules, test results must be maintained for two years. Moreover, we strongly encourage IDEM to continue its past practice of allowing test results to remain valid through the end of the twelfth calendar month following the test and incorporate that practice in the rules.

*Response:* IDEM agrees and has reworded 326 IAC 8-4-9 to allow test results to remain valid through the end of the twelfth calendar month following the test.

*Comment:* Keeping test paperwork in the cab of the transport will not work effectively for many transport fleet operators. We strongly urge that the wording be modified to require that the test results be kept on the transport vehicle in a location deemed suitable by the owner or operator.

*Response:* Under 326 IAC 8-4-9(g), the owner or operator will be able to choose to keep paperwork either in the cab or affixed to the transport trailer.

*Comment:* IDEM should implement a database that makes test paper information available to terminal operators and enforcement officials.

*Response:* Each transport will carry the paperwork that terminal operators and enforcement officials will need to review and verification should be readily available.

*Comment:* IDEM should contact surrounding states to ascertain that they will still accept Indiana approved test results. Standardization of forms from state to state could be achieved.

*Response:* IDEM contacted the state governments of Ohio, Michigan, Illinois, and Kentucky to inform them of the changes to the rules, including the requirement of the new test method and the elimination of the sticker program. The states that have sticker programs indicated that as long as the new test method meets their existing requirements, they will accept the test results. IDEM

believes the new test method will meet existing requirements in all of the surrounding states. IDEM has copies of test forms from the other states and will make them available to transport owners and operators upon request. IDEM would be glad to work with a trade association or other interested parties to provide standardized forms.

*Comment:* IDEM should consider the timing and transition issues resulting from elimination of the sticker. In cooperation with the petroleum industry, IDEM should undertake a broad information/education program to assure that everyone affected by this change is aware of the new requirements and when they will go into effect.

*Response:* IDEM is working on the timing and transition issues and will distribute information about the new requirements throughout the petroleum industry.